

Message Text

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PAGE 01 STATE 112612
ORIGIN IO-04

INFO OCT-01 ISO-00 /005 R

66011

DRAFTED BY:IO:HDC:JJBUCZACKI

APPROVED BY:IO:HDC:FGAULDFELDT

-----170924Z 034407 /13

R 170130Z MAY 77

FM SECSTATE WASHDC

INFO USMISSION GENEVA 9094

UNCLAS STATE 112612

FOLLOWING TELEGRAM FROM MEXICO DATED MAY 14, 1977 SENT
SECSTATE WASHDC IS REPEATED TO YOU: QUOTE

UNCLAS MEXICO 07459

E. O. 11652: N/A

TAGS: CASC, MX

SUBJECT: ATTORNEY GENERAL'S NEW POLICY ON SMALL DRUG
OFFENDERS

1. THE EMBASSY HAS RECEIVED A COPY OF A PRESS RELEASE ON
THE NEW POLICY ON SMALL DRUG OFFENDERS ISSUED BY THE
MEXICAN ATTORNEY GENERAL'S OFFICE ON MAY 12. A SUMMARY
FOLLOWS:

THE PRESIDENT HAS GIVEN INSTRUCTIONS TO THE ATTORNEY
GENERAL TO CONTINUOUSLY STUDY AND INSPECT THE PROCESS
OF JUSTICE IN MEXICO, SO AS TO MAINTAIN CONSTANT
ACTION TO DELIVER JUSTICE TO THE PEOPLE AND RESPECT
THE INDIVIDUAL RIGHTS OF THE CITIZENS. IN THE
EXAMINATION THAT THE ATTORNEY GENERAL'S OFFICE
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CARRIED OUT WITH RESPECT TO CRIMINAL CASES BEFORE
THE DISTRICT JUDGE, IT WAS FOUND THAT A NUMBER OF
PEOPLE WERE ACCUSED OF CRIMES AGAINST PUBLIC HEALTH
FOR POSSESSION OF TRULY SMALL QUANTITIES OF DRUGS.
CONSIDERING WORLD ATTITUDES REGARDING THE PERSONAL
CONSUMPTION OF DRUGS AND THE INDIFFERENCE OF MANY
YOUNG MEXICANS WITH RESPECT TO THE OCCASIONAL USE

OF MARIJUANA, AND TAKING INTO ACCOUNT THE HARM THAT IMPRISONMENT CAUSES YOUNG PEOPLE, THE ATTORNEY GENERAL HAS DECIDED TO DROP CRIMINAL CHARGES AGAINST PEOPLE ACCUSED WITH THE POSSESSION OF SMALL QUANTITIES OF ILLEGAL DRUGS. THIS DECISION BENEFITS 1,943 PRISONERS WHO WILL BE RELEASED. THE DECISION ONLY AFFECTS CHARGES OF POSSESSION OF A SMALL AMOUNT OF DRUGS AND DOES NOT AFFECT CHARGES OF SELLING, TRAFFICKING, ETC. WITH RESPECT TO THESE CHARGES, THE ATTORNEY GENERAL WILL CONTINUE TO PROSECUTE. END SUMMARY.

2. THE EMBASSY HAS ALSO OBTAINED A COPY OF THE INSTRUCTIONS THE ATTORNEY GENERAL HAS SENT TO THE MEXICAN COURTS FOR PROCESSING THESE CASES. THESE INSTRUCTIONS SPECIFY THE CONDITIONS UNDER WHICH CHARGES MAY BE DROPPED. THE QUANTITY OF DRUG MUST BE SMALL. IF THE DRUG COULD POSSIBLY HAVE BEEN INTENDED TO BE SOLD, AS IN THE CASE OF TRAFFICKING CHARGES, THE CHARGES CANNOT BE DROPPED. ANY PREVIOUS INVOLVEMENT WITH ILLICIT ACTIVITIES SUCH AS VTHE PLANTING, CULTIVATION, HARVESTING, TRAFFICKING, SELLING, IMPORTATION, OR EXPORTATION OF ILLEGAL DRUGS, DISQUALIFIES A CASE FROM BEING CONSIDERED. IF THE CASE HAS BEEN CONSIGNED TO A JUDGE, THE CHARGES MAY BE DROPPED BY THE MINISTERIO PUBLICO WITHOUT CONSULTING THE ATTORNEY GENERAL. IN ALL CASES, THE ASSUMPTION IS THAT THE DRUG WAS INTENDED TO SATISFY A PERSONAL HABIT OR NECESSITY OF THE ACCUSED. THE INSTRUCTIONS INDICATE THAT AFTER THE CHARGES HAVE BEEN DROPPED IN THESE CASES THE INDIVIDUAL UNCLASSIFIED

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WILL BE PLACED AT THE DISPOSITION OF THE FEDERAL HEALTH AUTHORITIES.

3. FULL TEXT BEING PUCHED.

4. COMMENT: THE ATTORNEY GENERAL/S PRESS RELEASE REFERS ONLY TO CONSIGNED PRISONERS AND MAKES NO REFERENCE TO PRISONERS WHO HAVE BEEN SENTENCED. IN FACT, THE ATTORNEY GENERAL HAS INFORMED EMBASSY THAT PRISONERS WHO HAVE BEEN SENTENCED BUT WHOSE SENTENCE HAS NOT BEEN CONFIRMED BY APPEALS COURT CAN BE RELEASED UNDER THIS POLICY THROUGH WITHDRAWAL OF CHARGES. AT LEAST ONE NAME ON LIST OF U.S. PRISONERS BEING RELEASED WHICH WAS FURNISHED TO EMBASSY BY ATTORNEY GENERAL (MEXICO 07012) WAS PRISONER WHO HAD BEEN SENTENCED. REFERENCE IN ATTORNEY GENERAL'S INSTRUCTIONS TO PLACING RELEASED PRISONERS AT DISPOSITION OF HEALTH AUTHORITIES REFERS TO PRACTICE RE MEXICAN NATIONALS; U.S. NATIONALS ARE BEING RELEASED TO CONOFFS. ALL REMAINING CASES KNOWN TO THE EMBASSY OF INDIVIDUALS

ELIGIBLE FOR CONSIDERATION UNDER THE NEW POLICY WILL BE
SUBMITTED TO THE ATTORNEY GENERAL'S OFFICE IN THE NEAR
FUTURE.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, DRUG CONTROL, PRESS RELEASES, TRIALS
Control Number: n/a
Copy: SINGLE
Sent Date: 17-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE112612
Document Source: CORE
Document Unique ID: 00
Drafter: IO:HDC:JJBUCZACKI
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770174-0878
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770548/aaaabpca.tel
Line Count: 121
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 20256e91-c288-dd11-92da-001cc4696bcc
Office: ORIGIN IO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2483766
Secure: OPEN
Status: NATIVE
Subject: ATTORNEY GENERAL'S NEW POLICY ON SMALL DRUG OFFENDERS
TAGS: CASC, PORS, SNAR, MX
To: GENEVA
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/20256e91-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009